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Protracted conflicts in the GUAM area and their implications for international peace, security and development

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Promotion and protection of the rights of children

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Responsibility of States for internationally wrongful acts

Security Council
Sixty-sixth year

Letter dated 15 April 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

As I informed you in my letter dated 11 March 2011 (A/65/780-S/2011/132), on 8 March 2011, as a result of the ceasefire violation by the armed forces of the Republic of Armenia, Fariz Badalov, a nine-year-old resident of the village of Orta Garvand of the Agdam district of the Republic of Azerbaijan, was shot dead by an Armenian sniper. In accordance with instructions received from my Government, I have the honour to transmit herewith the information of the Office of the Prosecutor General of the Republic of Azerbaijan regarding the investigation of this crime, the results of which irrefutably prove the responsibility of the armed forces of the Republic of Armenia for the intentional killing of an Azerbaijani child (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 34, 39, 64, 66 and 75, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex to the letter dated 15 April 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Official Russian text]

Information concerning the results of an investigation of the killing of an Azerbaijani citizen, Fariz Badalov, by the Armenian armed forces

On 8 March 2011 at about 1600 hours local time, Armenian armed forces opened fire from positions in the occupied village of Shykhlar in the Agdam district of the Republic of Azerbaijan. As a result of this, a resident of the village of Orta Garvand in the Agdam district, Fariz Badalov, born 2002, who at the time was playing with other children in the yard of his home, received a bullet wound to the head and died on the way to hospital.

The next day, the Office of the Public Prosecutor of the Agdam district instituted criminal proceedings for the commission of a crime under article 120.1 of the Criminal Code of the Republic of Azerbaijan.

An investigation established that the house where Badalov lived is in the south-western part of the village of Orta Garvand and is the house closest to the area of the front through which runs the line of contact with the Armenian armed forces.

The distance between the house and the Armenian armed forces' positions is about 1,000-1,200 metres. Since the rear part of the house abuts on to a large area of fields, the distance from the Armenian armed forces' positions can be clearly seen. Furthermore, there are no natural or artificial obstacles that might limit visibility.

The observation log of the command post of the military unit of the Ministry of Defence of the Republic of Azerbaijan deployed in the Agdam district recorded that on 8 March 2011, firing from the Armenian armed forces' positions located on the side facing the command post occurred three times at 1530 hours and once from a sniper's rifle at 1620 hours. This is confirmed by the testimony of witnesses questioned in the prosecution of the case.[1]

According to the conclusions of the forensic medical examination performed for the prosecution, wounds were found on Badalov's body in the areas of the left temple and the right side of the crown, together with fragments of bone from the skull and puncturing and destruction of the brain tissue. The description was a single wound resulting from the action of a bullet fired from a firearm. The cause of Badalov's death was the fragmenting of the skull bone and the puncturing and destruction of the brain tissue as a result of the wound from the firearm. An examination of the wound's entry and exit openings confirmed that the shot had been from a long distance.

According to the conclusions of the forensic examination and ballistic report for the prosecution, the shot was fired from a long distance from a rifled firearm. It

[1] Earlier reports concerning the time of the violation of the ceasefire on 8 March 2011 by the armed forces of the Armenian regime and the killing that day of Fariz Badalov have been clarified based on additional information obtained through the investigation.

appears that Badalov's wound was the result of the impact of a 7.62 mm cartridge that contained copper.

In the course of the examination it was established that the injuries that caused Badalov's death are typical in cases involving shots of this kind from snipers' weapons.